

Kay Morrison/R10/USEPA/US

To Scott Downey

02/17/2012 10:59 AM

cc David Powers, Schulze.Chad

bcc

Subject Re: Fw: Regarding chemical trespass in Traingle Lake, Oregon and everywhere

Let me see what I can come up with. His questions are good ones, if phrased somewhat dramatically:

~~So I ask you as a gate keeper of regulation, what do you suggest we the public do to insure that being guinea pigs for these chemical trespassers isn't acceptable, reasonable or consistent with the preamble of our constitution, if that document is still relevant? How can we bring back responsibility and liability back into the equation. Or is the slow and continuing contamination of our ecosystems a foregone conclusion?~~

~~How can the EPA support and partner with educated citizens to attempt to create the wisdom embodied in the 'precautionary principle'? Or is it just too late and we should all just drink our 'Jim Jones' cool aid and lay down and die?~~

They are bigger questions than what we're working on in this pesticide study, but maybe we've addressed it elsewhere

Kay Morrison
Community Involvement Coordinator
U.S. Environmental Protection Agency
Region 10 Seattle, Washington
206-553-8321

Scott Downey

Kay - sending this you per our new procedure for...

02/16/2012 04:02:42 PM

From: Scott Downey/R10/USEPA/US
To: Kay Morrison/R10/USEPA/US@EPA
Cc: Schulze.Chad@epamail.epa.gov, David Powers/R10/USEPA/US@EPA
Date: 02/16/2012 04:02 PM
Subject: Fw: Regarding chemical trespass in Traingle Lake, Oregon and everywhere

Kay - sending this you per our new procedure for sharing Triangle Lake inquiries for help in responding and coordination with OHA. Mr(b) (6) is the gentleman we sent a detailed response to on the application records questions he had. His second set of questions are not quite as specific, but I know you'll come up with the perfect response.

~~~~~  
Scott Downey, Manager  
Pesticides and Toxics Unit  
US EPA Region 10  
1200 6th Ave, Suite 900, OCE-084  
Seattle, WA 98101-3140  
(206) 553-0682

----- Forwarded by Scott Downey/R10/USEPA/US on 02/16/2012 03:54 PM -----

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From: (b) (6)  
To: Chad Schulze/R10/USEPA/US@EPA, David Powers/R10/USEPA/US@EPA, Scott Downey/R10/USEPA/US@EPA  
Date: 02/16/2012 03:35 PM

Subject: Regarding chemical trespass in Traingle Lake, Oregon and everywhere

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Hello All,

Still waiting for a response.

(b) (6)

From: (b) (6)

To: schulze.chad@epamail.epa.gov

CC: powers.david@epamail.epa.gov; downey.scott@epa.gov

Subject: RE: Regarding chemical trespass in Traingle Lake, Oregon

Date: Tue, 31 Jan 2012 05:25:23 -0800

Good morning Chad and all,

Thank you for your response, I think...

I wonder if someone from a foreign country came here to poison our land and water, if we as a society wouldn't do whatever it takes to stop them. Certainly all the monies we spend on our 'country club wars' of the last 60 years is an indication that we take threats to our perceived security seriously. However when we as citizens ask for responsibility, accountability and liability regarding the now over 100,000 chemicals (National institute of toxicology) we have unleashed on our environment we get excuses from those supposedly there to protect us. We can't even establish independent, transparent and credible record keeping, as your email confirms. It's far more egress than allowing the foxes to guard the chickens as the legacies of bio-degradation and bio-accumulation render minimum exposure a very bad joke. Never before in human history can one generation so completely trash the environment with such lasting effects as today. Chemical contamination is truly the elephant in the living room.

That said, I understand that lawmakers are very much complicit in this cover up. They are bought and sold by the very companies they are suppose to regulate. However this effects your kids and grand kids as well as mine and everyone else. Given the nature of water being soluble and embracing dangerous chemicals and with recent stories about how even expired pharmaceuticals flushed down the toilet are becoming apparent in our hydrological cycles, its time past time to understand the fundamental flaw of the misguided notion that dilution is a solution to pollution. It isn't.

So I ask you as a gate keeper of regulation, what do you suggest we the public do to insure that being guinea pigs for these chemical trespassers isn't acceptable, reasonable or consistent with the preamble of our constitution, if that document is still relevant? How can we bring back responsibility and liability back into the equation. Or is the slow and continuing contamination of our ecosystems a foregone conclusion?

How can the EPA support and partner with educated citizens to attempt to create the wisdom embodied in the 'precautionary principle'? Or is it just too late and we should all just drink our 'Jim Jones' cool aid and lay down and die?

Signed , a grand father.

(b) (6)

> Subject: Re: Regarding chemical trespass in Traingle Lake, Oregon  
> To: (b) (6)  
> CC: Powers.David@epamail.epa.gov; downey.scott@epa.gov  
> From: Schulze.Chad@epamail.epa.gov  
> Date: Mon, 30 Jan 2012 16:18:42 -0800  
>  
> Good afternoon (b) (6)  
>  
> As you know, David Powers, our Regional Manager for Forests and  
> Rangelands in Portland, Oregon, forwarded your question about federal  
> pesticide application records to Scott Downey and me for a response.  
> Scott is the Manager for the Pesticide and Toxics Unit in Seattle,  
> Washington and I act as the Pesticide Enforcement Team Lead.  
> Specifically, you asked, "Do you keep records internally or do you allow  
> those you are regulating to keep their own records and count on them to  
> provide when necessary?"  
>  
> EPA does NOT require applicators to submit pesticide application records  
> to the Agency.  
>  
> In fact, there are only a few areas in the country where EPA has  
> jurisdiction over pesticide application records (e.g., states that don't  
> have an EPA-approved pesticide Certification and Training program). In  
> Oregon, pesticide application records are governed by the United States  
> Department of Agriculture (USDA) and the Oregon Department of  
> Agriculture (ODA). USDA laws require all private applicators, those  
> applying pesticides for purposes of producing an agricultural commodity  
> on property owned or rented by them or their employer, to keep and  
> maintain records of only the more toxic products classified as  
> Restricted Use Pesticides (RUP's). These records must be kept for 2  
> years and be available to an inspector upon request but are not required  
> to be submitted to USDA. ODA laws require all commercial applicators,  
> those applying pesticides on property owned or operated by another  
> person, to keep and maintain records of any pesticide application,  
> regardless of use classification. Again, there are no requirements to  
> submit the records to any agency.  
>  
> Where they apply, EPA's pesticide application rules outlined in the  
> federal pesticide law called FIFRA (the Federal Insecticide, Fungicide,  
> and Rodenticide Act), require only commercial applicators keep and  
> maintain application records of RUP's. All other products, classified  
> as General Use, which are more commonly used in the forest industry, do  
> not fall under EPA's application record requirements. Here too,  
> applicators are not required to submit these RUP application records to  
> the Agency.  
>  
> That said, USDA, ODA, and EPA have provision in their laws which require  
> applicators to keep and maintain the specific application records  
> described above. Failure to keep and maintain the records could subject  
> the applicator to enforcement actions, including penalties.  
>

> For more information on USDA's pesticide record keeping requirements  
> please visit their website at,  
>  
> <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateQ&navID=PesticideRecordkeepingProgram&rightNav1=PesticideRecordkeepingProgram&topNav=&leftNav=ScienceandLaboratories&page=PesticideRecordkeepingProgram&resultType=>  
>  
> For more information on Oregon's pesticide record keeping requirements  
> please visit their website at,  
> <http://www.oregon.gov/ODA/PEST/recordkeeping.shtml>  
>  
> For more information on EPA's pesticide record keeping requirements  
> please visit,  
> [http://edocket.access.gpo.gov/cfr\\_2010/julqtr/pdf/40cfr171.11.pdf](http://edocket.access.gpo.gov/cfr_2010/julqtr/pdf/40cfr171.11.pdf)  
>  
> If you have any questions, please do not hesitate to call me.  
>  
> Sincerely,  
>  
> Chad  
>  
> \*\*\*\*\*  
> Chad C. Schulze  
> Pesticides and Toxics Unit  
> Office of Compliance and Enforcement  
> U.S. EPA Region 10 (OCE-084)  
> 1200 6th Avenue, Suite 900  
> Seattle WA 98101  
> 206-553-0505 (ph)  
> (b) (6) (cell)  
> 206-553-1775 (fax)  
> [schulze.chad@epa.gov](mailto:schulze.chad@epa.gov)  
> <http://yosemite.epa.gov/r10/ECOCOMM.NSF/Pesticides/Pesticides+Homepage>  
>  
> EPA DIVE TEAM:  
> <http://yosemite.epa.gov/r10/oea.nsf/webpage/dive+team>  
>  
>  
>  
>  
> From: David Powers/R10/USEPA/US  
> To: (b) (6)  
> Date: 01/18/2012 11:28 AM  
> Subject: Re: Regarding chemical trespass in Traingle Lake, Oregon  
>  
>  
> (b) (6) - Scott Downey and Chad Schulze are EPA leads for  
> herbicide/pesticide use so I forwarded your questions on records to  
> them. I also sent your questions to Kevin Masterson who deals with  
> chemical issues for OR DEQ.  
>  
> I think there was a chemical use reporting bill being considered by the  
> OR Legislature a few years ago that established (or would have

> established) specific chemical use reporting requirements and record  
> keeping/database requirements. I seem to remember something about  
> State funding issues derailing that effort.  
>  
> I understand your concerns about record keeping and distribution. While  
> some companies have raised proprietary chemical formulation issues in  
> the past I would think that general information on what chemicals were  
> applied, the method and volume of chemical application, and when and  
> where were the chemicals applied would be available to the public. The  
> people I forwarded your e-mail to would be more knowledgeable about  
> chemical record keeping and release. Dave

>  
\_\_\_\_\_  
> David Powers  
> Regional Manager for Forests and Rangelands  
> USEPA Region 10, OOO  
> 805 SW Broadway, Suite 500  
> Portland, OR 97205  
> 503-326-5874  
> powers.david@epa.gov

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>  
> From: (b) (6)  
> To: David Powers/R10/USEPA/US@EPA  
> Date: 01/13/2012 06:24 AM  
> Subject: Regarding chemical trespass in Traingle Lake, Oregon

>  
>  
>  
>  
> Good Morning David Power,

>  
> I want to ask you a question regarding keeping records in the EPA. Do  
> you keep records internally or do you allow those you are regulating to  
> keep their own records and count on them to provide when necessary? I  
> just received a response from ODF that states, they don't keep records  
> of those who apply chemicals, they count on the operator to keep those  
> records? Talk about having the foxes guard the chickens and keep the  
> records to boot. The whole agency of ODF is incompetent and needs to be  
> shown the door. This is just too much. Here is the letter I received  
> from ODF regarding my questions of the chemical trespass in Triangle  
> lake. What insight can you share regarding this level of malfeasance  
> from the perspective of a regulatory agency? Your perspective and  
> thoughts will be greatly appreciated.

>  
> Many regards.

>  
> (b) (6)

> Thanks for your message regarding the ongoing Pesticide Analytical and  
> Response Center (PARC) exposure investigation in the Hwy. 36/Triangle  
> Lake area, and the general availability of Notification of Operation  
> data and pesticide spray records.  
>  
> The PARC agencies working together on the investigation include the  
> Oregon Departments of Forestry (ODF), Agriculture (ODA) and  
> Environmental Quality (DEQ), the Oregon Health Authority (OHA), Oregon  
> Health & Science University (OHSU), Oregon State University (OSU), as  
> well as the U.S. Environmental Protection Agency (EPA) and the U.S.  
> Agency for Toxic Substances and Disease Registry (ATSDR).  
>  
> As part of the investigation, PARC has asked ODF to obtain spray  
> application records for eight townships (a township is generally about  
> 36 square miles) in the Hwy. 36/Triangle Lake area for 2009, 2010, and  
> 2011. This is an extensive amount of information, and ODF is working  
> diligently to obtain it for the investigation. We expect to complete  
> this information request in February.  
>  
> Your inquiry also addresses an interest in having all pesticide spray  
> notifications and spray records available on a public-access website.  
> ODF also has an interest in implementing some form of web-based access  
> to our Notification of Operation database to improve efficiency and  
> effectiveness. We have made some gains toward that goal, including  
> securing statutory changes that allow for this approach part of our  
> subscription system.  
>  
> At this point in time, we are in the planning and evaluation phase, and  
> cannot provide a date for implementation of a web-based data access  
> system, given current resources. A web-based system would only provide  
> the information currently included on the notification, and would not  
> address public access to application records, which are held by  
> applicators and/or landowners.  
>  
> ODF requests the application records only as needed for a specific  
> investigation involving forest practices, pesticide label provisions, or  
> assisting a PARC inquiry. Application records are not received or held  
> by ODF or another public body; they remain in the possession of the  
> applicator and/or landowner, where the records are not subject to Oregon  
> public disclosure laws.  
>  
> The Oregon Health Authority is the lead agency in the current exposure  
> investigation, and any further questions you may have should be  
> addressed directly to Karen Bishop at OHA. She can be reached at (971)  
> 673-1219.  
>  
> Sincerely,  
>  
> Kevin Weeks  
>  
>  
>  
>

